

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION STUDENT-
ATHLETE CONCUSSION LITIGATION**

MDL No. 2492

Master Docket No. 1:13-cv-09116

This Document Relates To:
All Cases

Judge John Z. Lee

Magistrate Judge M. David Weisman

**JOINT STATUS REPORT REGARDING UPDATE ON
SETTLEMENT WEBSITE FOR MEDICAL MONITORING PROGRAM**

Lead Class Counsel and the NCAA's counsel submit this Joint Status Report to update the Court on the status of the Settlement Website hosted and maintained by the Program Administrator, Epiq Mass Tort (f/k/a Garretson Resolution Group) ("Epiq"):¹

1. On August 19, 2019, the Court entered its Amended Final Order and Judgment Approving the Second Amended Class Action Settlement (Dkt. 558), and the Court subsequently set the Effective Date for the settlement as November 18, 2019 (Dkt. 578).

2. Under the Settlement Agreement, "[t]he Medical Monitoring Program for Settlement Class Members will begin ninety (90) days from the Effective Date." Settlement Agmt. § IV(B)(2) (ECF 28 of 105). Accordingly, Epiq timely launched the Medical Monitoring Program on February 18, 2020 at the following web address: www.collegeathleteconcussionsettlement.com.

¹ Unless referring to an entry on the Court's docket, capitalized terms are as defined in the Second Amended Class Action Settlement Agreement and Release (Dkt. 558-1) ("Settlement Agreement").

3. In accordance with the Court's directive, the Parties then "devise[d] a cost-effective marketing campaign to announce the commencement of the medical monitoring program," and they moved the Court to authorize Epiq to incur up to \$10,000 in costs to generate and place sponsored search listings announcing the launch of the Medical Monitoring Program. See Feb. 5, 2020 Minute Order (Dkt. 583); Joint Status Report and Motion (Dkt. 585) at 3. The Court granted that motion on February 26, 2020, following a status hearing. See Minute Order (Dkt. 587).

4. As part of the publication plan devised by the Parties and approved by the Court, Epiq was tasked with issuing approximately 17,000 emails announcing the launch of the Medical Monitoring Program to individuals who requested to have their names added to a mailing list for purposes of receiving periodic updates and with placing the sponsored search listings. See Joint Status Report and Motion (Dkt. 585) at ¶ 4(c); Minute Order (Dkt. 587).

5. Sometime after the February 26, 2020 status hearing, however, Epiq apparently experienced a breach of one or more of its websites or platforms, and Epiq informed the Parties of this development shortly thereafter. As a result of this development, Epiq informed the Parties that it had taken offline all or substantially all of its client websites and platforms, including the Settlement Website. In response to the inquiries of the Parties, Epiq assured the Parties that "[a]t this time there is no evidence of any unauthorized transfer, misuse or exfiltration of any data in our possession, including that for NCAA." See March 5, 2020 Corresp. fr. J. Smallwood (Dkt. 588-1).

6. Given this disruption to the Settlement Website, Epiq was delayed in sending the emails and placing the search listings discussed above, given that any viewer of those publication efforts would not have been able to access the Settlement Website to register for the Medical

Monitoring Program. See Joint Status Report and Motion (Dkt. 585) at ¶ 4(c); Minute Order (Dkt. 587).

7. The Parties filed a joint status report on March 6, 2020 to update the Court on these developments and to inform the Court that the Parties understood that Epiq was working as quickly as it could to reactivate the Settlement Website and then send the emails and place the search listings already discussed. See Joint Status Report (Dkt. 588). The Parties promised to update the Court no later than March 20, 2020. See id. at ¶ 8.

8. Epiq informed the Parties on March 18, 2020 that the Settlement Website is once again fully operational. See March 18, 2020 Corresp. fr. J. Smallwood, attached hereto as Exhibit A. The Settlement Website is again accessible online, and Settlement Class Members are able to register for the Medical Monitoring Program. See Settlement Website, available at www.collegeathleteconcussionsettlement.com/.

9. And on March 19, 2020, Epiq informed the parties that the first batch of 1,000 announcement emails would issue on March 20, 2020, with the remaining emails to issue on a rolling basis following Epiq's efforts to monitor the response rate in order to determine the size and frequency of subsequent batches. See March 19, 2020 Corresp. fr. J. Smallwood, attached hereto as Exhibit B.

10. The Parties will now work to ensure that Epiq sends the emails and places the search listings discussed above as soon as possible. Should the Court have any questions or concerns, the Parties, of course, stand ready to work with Epiq to address them.

Date: March 20, 2020

By: /s/ Robert C. Collins III

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Respectfully submitted,

By: /s/ Daniel J. Kurowski (with consent)

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Settlement Class Counsel

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on March 20, 2020 a true and correct copy of the foregoing was filed electronically via CM/ECF, which caused notice to be sent to all counsel of record.

By: /s/ Robert C. Collins III

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**EXHIBITS TO JOINT STATUS REPORT REGARDING UPDATE ON
SETTLEMENT WEBSITE FOR MEDICAL MONITORING PROGRAM**

- A. Email dated 3/18/20 from J. Smallwood to R. Collins et al., re NCAA Registration Functionality Update
- B. Email dated 3/19/20 from J. Smallwood to R. Collins et al., re NCAA Registration Functionality Update

Exhibit A

From: Smallwood, Jason
To: dank@hbsslaw.com; [Collins, Robert \(CH\)](#)
Cc: [Hamann, Nicole](#); chriso@hbsslaw.com; [Mulvey, Bill](#); [Baisden, Sandy](#); [Miller, Deandra](#); [Phifer, Luciana](#); [Spencer, Chuck](#); [Paschal, Jon](#); [Mester, Mark \(CH\)](#)
Subject: NCAA Registration Functionality Update
Date: Wednesday, March 18, 2020 1:26:29 PM

Dan and Robbie,

After closely monitoring registration functionality for the last 24 hours, we are pleased to inform you that the NCAA website is fully operational. We have confirmed two successful registrations since mid-day yesterday and are now confident in the stability of the environment. Please feel free to notify the Court of the restoration.

We plan to immediately resume efforts around the first batch of 'Stay Informed' emails and will share a specific target date once known.

Kind regards,

Jason Smallwood

Epiq | Settlement Senior Project Manager
6281 Tri-Ridge Boulevard, Suite 300
Cincinnati, OH 45140
Office: (513) 394-7029
Email: Jason.Smallwood@epiqglobal.com

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Exhibit B

From: Smallwood, Jason
To: [Collins, Robert \(CH\)](#); dank@hbsslaw.com
Cc: [Hamann, Nicole](#); chriso@hbsslaw.com; [Mulvey, Bill](#); [Baisden, Sandy](#); [Miller, Deandra](#); [Phifer, Luciana](#); [Spencer, Chuck](#); [Paschal, Jon](#); [Mester, Mark \(CH\)](#)
Subject: RE: NCAA Registration Functionality Update
Date: Thursday, March 19, 2020 2:26:25 PM

Good afternoon Robbie,

We plan to send the first batch (1,000) of emails to the 'Stay Informed' population tomorrow, 3/20. From there, we will monitor the response rate in order to determine the size and frequency of subsequent batches. I will follow-up for status details on the targeted list searches and provide an update once available.

Kind regards,

Jason Smallwood
Epiq | Settlement Senior Project Manager
6281 Tri-Ridge Boulevard, Suite 300
Cincinnati, OH 45140
Office: (513) 394-7029
Email: Jason.Smallwood@epiqglobal.com

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From: Robert.Collins@lw.com <Robert.Collins@lw.com>
Sent: Thursday, March 19, 2020 11:02 AM
To: dank@hbsslaw.com; Smallwood, Jason <Jason.Smallwood@epiqglobal.com>
Cc: [Hamann, Nicole](mailto:hamann@epiqglobal.com) <hamann@epiqglobal.com>; chriso@hbsslaw.com; [Mulvey, Bill](mailto:mulvey@epiqglobal.com) <[Bill.Mulvey@epiqglobal.com](mailto:mulvey@epiqglobal.com)>; [Baisden, Sandy](mailto:baisden@epiqglobal.com) <[Sandy.Baisden@epiqglobal.com](mailto:baisden@epiqglobal.com)>; [Miller, Deandra](mailto:miller@epiqglobal.com) <Deandra.Miller@epiqglobal.com>; [Phifer, Luciana](mailto:phifer@epiqglobal.com) <Luciana.Phifer@Epiqglobal.com>; [Spencer, Chuck](mailto:spencer@epiqglobal.com) <Chuck.Spencer@epiqglobal.com>; [Paschal, Jon](mailto:paschal@epiqglobal.com) <Jon.Paschal@epiqglobal.com>; mark.mester@lw.com
Subject: RE: NCAA Registration Functionality Update

CAUTION: This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jason –

Given that the website is now back up, what is the plan and schedule for sending out the emails to the ~17k individuals and for doing the targeted list searches?

Thanks,
Robbie

Robert C. Collins III

LATHAM & WATKINS LLP

330 North Wabash Avenue, Suite 2800 | Chicago, IL 60611
D: +1.312.876.6566 | M: +1.219.789.3376

From: Daniel J. Kurowski <dank@hbsslaw.com>

Sent: Wednesday, March 18, 2020 1:28 PM

To: jason.smallwood@epiqglobal.com; Collins, Robert (CH) <Robert.Collins@lw.com>

Cc: nham@epiqglobal.com; chriso@hbsslaw.com; bill.mulvey@epiqglobal.com; sandy.baisden@epiqglobal.com; deandra.miller@epiqglobal.com; luciana.phifer@epiqglobal.com; chuck.spencer@epiqglobal.com; jon.paschal@epiqglobal.com; Mester, Mark (CH) <mark.mester@lw.com>

Subject: RE: NCAA Registration Functionality Update

Thank you for the confirmation and update.

Daniel J. Kurowski | **Hagens Berman Sobol Shapiro LLP** | Direct: (708) 628-4963

From: Smallwood, Jason <jason.smallwood@epiqglobal.com>

Sent: Wednesday, March 18, 2020 1:26 PM

To: Daniel J. Kurowski <dank@hbsslaw.com>; robert.collins@lw.com

Cc: nham@epiqglobal.com; Chris O'Hara <ChrisO@hbsslaw.com>; bill.mulvey@epiqglobal.com; sandy.baisden@epiqglobal.com; deandra.miller@epiqglobal.com; luciana.phifer@epiqglobal.com; chuck.spencer@epiqglobal.com; jon.paschal@epiqglobal.com; mark.mester@lw.com

Subject: NCAA Registration Functionality Update

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Kind regards,

Jason Smallwood

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